

**325 PHYSICAL FACTS**

If you find a witness' testimony conflicts with physical facts established by evidence and that the testimony cannot be reconciled with the physical facts, then disregard the conflicting testimony. But, the testimony of a witness is overcome by physical facts only if such facts establish a conclusion contradicting such testimony beyond any reasonable ground for doubt.

**COMMENT**

This instruction was approved by the Committee in 1960. The instruction and comment were updated in 1986. The comment was reviewed without change in 1989.

Pappas v. Jack O. A. Nelson Agency, Inc., 81 Wis.2d 863, 369, 260 N.W.2d 721 (1978); Chart v. General Motors Corp., 80 Wis.2d 91, 111-12, 258 N.W.2d 680 (1977); Corning v. Dec Aviation Corp., 50 Wis.2d 441, 184 N.W.2d 152 (1971); New Amsterdam Casualty Co. v. Farmers Mut. Auto Ins. Co., 5 Wis.2d 646, 649, 94 N.W.2d 175, 177 (1959); Kleckner v. Great Am. Indem. Co., 257 Wis. 574, 577, 44 N.W.2d 560, 562 (1950); Schoenberg v. Berger, 257 Wis. 100, 106, 42 N.W.2d 466, 469 (1950); Strnad v. Coop. Ins. Mut., 256 Wis. 261, 271, 40 N.W.2d 552, 559 (1949); McCarthy v. Thompson, 256 Wis. 113, 116, 40 N.W.2d 560, 562 (1949).